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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

KOLEEN GALLAGHER,

Plaintiff/
Judgment Creditor,

vs.

RICHARD JAMES. GALLAGHER,

Defendant/
Judgment Debtor

and

JPMORGAN Chase Bank, N.A.
c/o CT Corporation System
3800 N. Central Ave., Suite 460
Phoenix, AZ 85012

Executee/Garnishee.

NO. 4:17-MC-00005

**WRIT OF EXECUTION AND
SUMMONS
(Non-Earnings)**

**(Rue 69, Fed. R. Civ. Pro.;
A.R.S. §§12-1572 – 1597)**

THE UNITED STATES U.S. MARSHALL FOR THE DISTRICT OF ARIZONA OR
ANY OTHER OFFICER OF PIMA COUNTY, WHO IS AUTHORIZED BY LAW TO
SERVE PROCESS:

You are directed to levy upon the property of the above-named Judgment Debtor
told by the Executee/Garnishee to satisfy the money judgment in accordance with the
attached instructions, including but not limited to any and all bank accounts in which

1 Richard J. Gallagher is designated as a payable on death beneficiary by any accounts owned
2 by Josephine Marie Gallagher, including without limitation JP Morgan Chase, N.A. account
number 000000895605512.

3 JUDGMENT CREDITOR'S CLAIM OF **\$192,272.48** together with interest, costs
4 and other relief in this action is against the following Judgment Debtor(s):

5 **RICHARD JAMES GALLAGHER**

6 THEREFORE, PURSUANT TO A.R.S. Sec. 12-1574, YOU ARE COMMANDED
7 to summon and appear before this Court the Executree/Garnishee whose name and address
appears above and who is believed to be within your county.

8 The Judgment Creditor states as follows:

9 1. The Judgment Creditor has a Judgment and an award of cost and attorney's
10 fees against the above-described Judgment Debtor(s) with current amount of \$192,272.48
due, as of the date of issuance of this Writ of Garnishment.

11 2. The rate of interest on the award of costs and attorney's fees is .58% on the
principal sum of \$192,272.48 from 1/29/2016 until paid.

12 3. Josephine Marie Gallagher died on May 21, 2017.

13 3. The name and address of the Executree/Garnishee and/or the authorized agent
14 is:

15 **JPMorgan Chase Bank, N.A.**
16 **c/o CT Corporation System**
17 **3800 N. Central Ave., Suite 460**
Phoenix, AZ 85012

18 4. The Attorney for the Judgment Creditor's name and address is:

19 **Mark E. Chadwick**
20 **Munger Chadwick, PLC**
21 **333 N. Wilmot, Suite 300**
Tucson AZ 85701

22 5. The last known mailing addresses of the Judgment Debtor(s) are:

23 **Richard James Gallagher**
24 **c/o George E. Tuttle, Jr.**
1225 Marth Custis Dr., Parc East 103
25 **Alexandria, Virginia 22302**
Attorney for Judgment Debtors;
26

Richard James Gallagher
P.O. Box 273
Hampstead, NC 28443

TO THE ABOVE-NAMED EXECUTEE:

EXECUTEE SHALL Answer in writing, under oath, within 10 days after the service of the Writ of Execution upon you, all of the following questions:

1. Whether the Executtee was indebted to or otherwise in possession of monies of the Judgment Debtor(s) at the time the Writ was served, including without limitation, any accounts in which Richard J. Gallagher is designated as payable upon death beneficiary, including, without limitation, JP Morgan Chase, N.A. account number 000000895605512.

2. The total amount of indebtedness or monies in possession of the Executtee at the time the Writ was served, including, without limitation, the amount of money which was owned by the deceased Josephine Marie Gallagher.

3. The amount of indebtedness or monies withheld by the Executtee pursuant to the Writ.

4. The amount of indebtedness or monies not withheld by the Executtee, and the reason for not withholding.

5. Whether the Executtee was in possession of personal property of the Judgment Debtor(s) at the time the Writ was served.

6. A description of each item, or group of items, of personal property of the Judgment Debtor(s) in the Executtee's possession at the time the Writ was served.

7. A list of the personal property withheld by the Executtee pursuant to the Writ.

8. What other person or entity, within his knowledge, is indebted to the Judgment Debtor(s) or in possession of personal property of the Judgment Debtor(s).

9. Whether the Executtee is a corporation in which the Judgment Debtor(s) owns shares of stock or some other interest.

10. A statement of the number and types of shares owned by the Judgment Debtor(s) and a description of any other interests the Judgment Debtor(s) own in the Garnishment.

11. The name, address and telephone number of the Garnishee.

12. The date and manner of delivery of a copy of the Writ and the Notice to the Judgment Debtor(s).

13. The date and manner of delivery of a copy of the Answer to the Judgment Creditor and Judgment Debtor.

1 FROM AND AFTER SERVICE OF THE Writ of Execution, the Executtee shall not
2 pay to the Judgment Debtor(s) any debt which is not exempt, nor turn over any non-exempt
3 personal property, stock or any other interest the Judgment Debtor(s) owns in the Executtee
4 corporation to the Judgment Debtor(s).

5 SUMMONS

6 In obedience to the attached and foregoing Writ of Execution, I DO HEREBY
7 SUMMON AND REQUIRE YOU TO APPEAR and answer the foregoing Writ and in the
8 manner prescribed by law within the times prescribed in said Writ. You are hereby notified
9 that in case you fail to so answer, the Court may issue an order requiring you to appear in
10 person before it to answer the Writ or to file and serve, at least five (5) days before the
11 appearance date, a copy of the answer on the party for whom the Writ has been issued, or
12 on his attorney if the party is represented by counsel. If you fail to appear or to file and
13 serve the answer as specified in the order, judgment by default may be rendered against you
14 for the full amount of the relief demanded in the Complaint of the Plaintiff and not merely
15 for the amount you may owe to the Defendant, and that such judgment may be so rendered
16 in addition to any other matters which may be adjudged against you as prescribed by law.
17 Federal Rules of Civil Procedure 4(c).

18 **REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH**
19 **DISABILITIES MUST BE MADE TO THE COURT BY PARTIES AT LEAST 3**
20 **WORKING DAYS IN ADVANCE OF A SCHEDULED COURT PROCEEDING**

21 DATED _____.

22 _____
23 Clerk of the United States District Court
24
25
26